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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ZENAIDA SMITH,)
)
Defendant.)

No. CR 07-0246 MHP

STIPULATION AND ~~[PROPOSED]~~
ORDER DOCUMENTING
EXCLUSION OF TIME

With the agreement of the parties in open court on August 27, 2007, and with the consent of the defendant Zenaida Smith ("defendant"), the Court enters this order (1) setting a hearing on October 1, 2007 at 10:00 a.m. for disposition or for motions/trial setting and (2) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from August 27, 2007 to October 1, 2007. The parties agree, and the Court finds and holds, as follows:

1. The parties appeared before the Court on August 27, 2007. Counsel advised the Court on that date that the parties were in plea negotiations. Counsel for the defendant needs additional time to review the paper and electronic discovery and to investigate the case in order to effectively represent the defendant as part of those plea

STIP. & ~~[PROPOSED]~~ ORDER DOCUMENTING
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1 negotiations. Continuing the case until October 1, 2007 will give the defendant an
2 opportunity to accomplish this objective.

3 2. The Court finds that, taking into the account the public interest in the
4 prompt disposition of criminal cases, granting the continuance until October 1, 2007 is
5 necessary for defense counsel to review the discovery that has been produced and for
6 effective preparation of defense counsel. See 18 U.S.C. § 3161(h)(8)(B)(iv). Given these
7 circumstances, the Court finds that the ends of justice served by excluding the period
8 from August 27, 2007 to October 1, 2007 outweigh the best interest of the public and the
9 defendant in a speedy trial. Id. § 3161(h)(8)(A).

10 3. Accordingly, and with the consent of the defendant, the Court (1) sets a
11 hearing for October 1, 2007 at 10:00 a.m. and (2) orders that the period from August 27,
12 2007 to October 1, 2007 be excluded from Speedy Trial Act calculations under 18 U.S.C.
13 § 3161(h)(8)(A) & (B)(iv). At the hearing on October 1, 2007, the parties should be
14 prepared either for disposition or for motions setting and trial setting.

15 SO STIPULATED.

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17 DATED: 9/11/07

SCOTT N. SCHOOLS
United States Attorney

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20 /S/
KYLE F. WALDINGER
Assistant United States Attorney

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22 SO STIPULATED.

23 DATED: 9/10/07

/S/
CARL LINDSTROM
Attorney for defendant Zenaida Smith

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26 IT IS SO ORDERED.

27 DATED: 9/12/2007

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STIP. & [PROPOSED] ORDER DOCUMENTING
EXCLUSION OF TIME [CR 07-0246 MHP]

